UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,765	03/01/2002	Hermanus H. Van Der Meijs	0142-0377P-SP	2023

2292 7590 04/19/2007	**EXAMINER**	
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ART UNIT	PAPER NUMBER
2625	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/19/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/19/2007.

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mailroom@bskb.com

	Application No.	Applicant(s)
	10/085,765	VAN DER MEIJS, HERMANUS H.
Office Action Summary	Examiner	Art Unit
	CHAN S. PARK	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 January 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-8 and 10-19</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-8 and 10-19</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

DOUGLAS Q. TRAN
PRIMARY EXAMINER

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's amendment was received on 1/22/07, and has been entered and

made of record. Currently, **claims 1-8 and 10-19** are pending.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-8 and 10-19 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Objections

The following quotations of 37 § CFR 1.75(d)(1) is the basis of objection:

> (d)(1) The claim or claims must conform to the invention as set forth in the remainder of the
> specification and the terms and phrases used in the claims must find clear support or antecedent basis
> in the description so that the meaning of the terms in the claims my be ascertainable by reference to
> the description. (See § 1.58(a)).

3.   Claim 5 recites the limitation "the new functional component" in line 3. There is

insufficient antecedent basis for this limitation in the claim. Perhaps, "the new functional

component" should be -- the interchanged functional component --.

4.   Claim 1 is objected to because of the following informalities:

Line 2, "parameters is stored" should be -- parameters can be stored -- since the

set of printing parameters is initially stored in the storage device over the Internet.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5.   Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims recite the limitation "the printing parameters". There is insufficient antecedent basis for this limitation in the claim. It is unclear if the parameters are referring to "the set of printing parameters" recited in lines 6-7 or "a new set of printing parameters" recited in lines 8-9 of claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brot et al. U.S. Patent No. 6,522,348 (hereinafter Brot) in view of Imai U.S. Patent No. 6,990,659, and further in view of McCannon et al. U.S. Patent No. 6,607,314 (hereinafter McCannon).

6.   With respect to claim 1, Brot teaches a method of configuring a printer, wherein a set of printing parameters can be stored in a control unit of the printer (claim 1), the method comprising the steps of:

storing the set of printing parameters, which is adapted to a specific functional component of the printer, in a storage device addressable over the Internet at a predetermined location (server in col. 3, lines 1-5);

when the printer is to be configured, getting accessed to the location, and downloading the set of printing parameters directly into the control unit of the printer (col. 3, lines 1-11).

Brot, however, does not explicitly teach the step of getting access to said location, and downloading a new set of printing parameter directly into the control unit of the printer each time a predetermined time interval has elapsed.

Imai, the same field of endeavor of updating the printer parameter/firmware, teaches the method of downloading/updating the printer parameter *periodically* (col. 9, lines 53-67).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to implement the periodic update method of Imai into the printer of Brot.

The suggestion/motivation for doing so would have been to automatically check and download the most recent update firmware to the printer.

The combination of Brot and Imai, however, does not teach whether the location (server) is accessed using a URI.

The examiner notes that accessing a server using website address or URL/URI is a well-known method in the network communication. McCannon, the same field of endeavor of the network printer, teaches the method of printer accessing a database/server using a website address for downloading the software/firmware update (col. 5, lines 35-40 & col. 6, lines 40-53).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to implement the URL accessing method into the printer of Brot and Imai.

The suggestion/motivation for doing so would have been to use more conventional/well-known method to establish a connection and communicate with the server for downloading the desired data by the printer.

Therefore, it would have been obvious to combine three references to obtain the invention as specified in claim 1.

7.   With respect to claim 2, Brot teaches the method of the printer component controlling the communication between the printer and the server (col. 3, lines 1-11). As noted above, it would have been obvious to one of ordinary skill in the art to include the URL/website address in the cartridge chip 4 for communicating with the server. The suggestion/motivation for doing so would have been to use more conventional/well-known method to communicate with the server for downloading the desired data by the printer.

8.   With respect to claim 3, Brot teaches the method, wherein the printing parameters are individually determined for each production series of functional components on the basis of measurements performed on samples of the functional

components for each production series, and the printing parameters for different

production series are stored separately in the storage device (col. 3, lines 5-11).

9.   With respect to claim 4, Brot teaches the method, wherein the printing

parameters comprise data and/or program code for reconfiguring the printer in

accordance with a type of recording medium (toner) being used (col. 3, lines 51-67).

10.   With respect to claim 5, Brot teaches the method, further comprising:

        detecting by the control unit whether a functional component has been

interchanged; and if so

        initiating a download of a new set of printing parameters pertinent to the

interchanged functional component (col. 3, lines 12-29). Since the downloading of the

data is applied for each cartridge, it is inherent that each time the cartridge is replaced,

the downloading of the new set of parameter corresponding to the replaced cartridge is

initiated.

11.   With respect to claims 12-16, Brot teaches that the printer is ink ribbon printer

(col. 1, lines 7-13). Although it is not explicitly stated that the printer is a inkjet printer,

the examiner takes an Official Notice that the using inkjet cartridge for storing a data to

be read by the printer is well-known in the art. Since the examiner takes an Official

Notice, it would have been obvious to one of ordinary skill in the art to implement the

method of downloading the data appropriate for the cartridge using an inkjet printer.

        Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Imai in view of McCannon.

12.   With respect to claim 6, Imai discloses a printer comprising a control unit (col. 9,

lines 22-27) including a memory (flash ROM 14 in col. 9, lines 53-55) in which printing

parameters pertaining to a specific function component of the printer can be stored (col.

9, lines 53-55), wherein the control unit includes an Internet client for connecting to a

device (col. 7, lines 13-17 & col. 11, lines 15-21) at which the printing parameters are

stored (col. 9, lines 39-52), and for loading the printing parameters into the memory (col.

9, lines 39-52), wherein the Internet client is arranged to initiate a downloading of new

printing parameters each time a predetermined time interval has elapsed (col. 9, lines

53-67).

Note that the firmware/software is construed as the printing parameters since it

controls the functions of the printer components.

Imai, however, does not explicitly teach whether the printer is connected to the

device by a URI.

McCannon, the same field of endeavor of updating the printer software, teaches

the method of a printer accessing a storage device addressable over the Internet at a

URI/website for downloading the software (col. 5, lines 38-40 & col. 6, lines 40-53).

At the time of the invention, it would have been obvious to one of ordinary skill in

the art to implement the method of accessing the URI/website for downloading

necessary software into the printer of Imai.

The suggestion/motivation for doing so would have been to download the

necessary/latest software from the company website for the faster update.

Therefore, it would have been obvious to combine Imai with McCannon to obtain the invention as specified in claim 6.

13.   With respect to claim 17, although it is not explicitly stated that the printer is a inkjet printer, the examiner takes an Official Notice that the using inkjet cartridge for storing a data to be read by the printer is well-known in the art. Since the examiner takes an Official Notice, it would have been obvious to one of ordinary skill in the art to implement the method of downloading the data appropriate for the cartridge using an inkjet printer.

Claims 7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Imai and McCannon as applied to claim 6 above, and further in view of Silverbrook U.S. Patent No. 6,364,451.

14.   With respect to claim 7, the combination of Imai and McCannon discloses the printer according to claim 6. However, the combination does not explicitly disclose that the control unit is adapted to detect whether a functional component has been interchanged and, if this is the case, to initiate a download of a new set of printing parameters pertinent to the new functional component.

Siliverbrook, the same field of endeavor of the network printer, discloses a barcode indicated on a functional component of a printer for downloading a new set of printing parameters pertinent to the new functional component when the functional component has been replaced (col. 8, lines 36-42 & col. 11, lines 23-44).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the cartridge parameter update method of Silverbrook into the printer of Imai and McCannon.

The suggestion/motivation for doing so would have been to store proper cartridge parameter into the printer when a new cartridge is installed. This would apparently provide a better overall printing quality.

Therefore, it would have been obvious to combine three references to obtain the invention as specified in claim 7.

15.   With respect to claims 18, read col. 3, lines 5-9 of Silverbrook

Claims 8, 10, 11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Imai, McCannon and Silverbrook as applied to claim 7 above, and further in view of Haine U.S. Patent No. 6,738,903.

16.   With respect to claim 8, the combination of Imai, McCannon and Silverbrook discloses the printer according to claim 7, but it does not explicitly disclose that the interchangeable functional component is provided with a memory element storing URI information, and the printer has a reading head for reading said URI information when the functional component is inserted in the printer.

Haines, the same field of endeavor of the network printer, discloses a toner cartridge having a memory tag for storing a URL and a printer for reading the URL (col. 4, lines 59-67).

At the time of the invention, it would have been obvious to one of ordinary skill in

the art to incorporate the toner cartridge having the URL information in the printer of

Imai and McCannon.

The suggestion/motivation for doing so would have been to provide the user with

the convenient access to the reseller's ordering system.

Therefore, it would have been obvious to combine four references to obtain the

invention as specified in claim 8.

17.   With respect to claims 10 and 11, read col. 3, lines 62-67 of Haines.

18.   With respect to claim 19, read col. 3, lines 5-9 of Silverbrook and col. 3, lines 62-

67 of Haines.

Conclusion

19.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
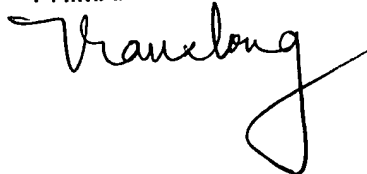
the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

20.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CHAN S. PARK whose telephone number is (571) 272-

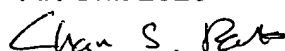7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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DOUGLAS Q. TRAN
PRIMARY EXAMINER

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Art Unit 2625

csp
April 13, 2007